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1 that job.

2 Q. How about at Candlewick Yarn?

3 A. No, not serious injuries.

4 Q. How about Handley Mills?

5 A. No.

6 Q. When you left Asplundh, where
7 did you go?

8 A. I went to Blue Water
9 Construction Company.

10 Q. What did you do there?

11 A. I was a welder's helper.

12 Q. How long were you there?

13 A. Well, the job -- it wasn't but a
14 six-month job. It was a construction job
15 that lasted six months.

16 Q. So, after that you got laid off
17 because the job ended?

18 A. Yeah, the job played out.

19 Q. Did you ever get hurt there?

20 A. No.

21 Q. After that, you went to work at
22 Wal-Mart; correct?

23 A. I went to work at Wal-Mart in

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1 2001.

2 Q. Are you still employed at
3 Wal-Mart?

4 A. No. After I had this surgery on
5 my legs and a stint put in my heart and
6 everything -- my legs won't let me walk.
7 I can't walk very far at one time. And
8 they went ahead and give me a medical --
9 may as well -- medical term --

10 Q. But you're out on like a leave
11 of absence; right?

12 A. No. I don't work there anymore.

13 Q. Okay. So, you --

14 A. Between my shoulder and my legs,
15 I couldn't work.

16 Q. All right. But that was -- you
17 don't have a problem with your having to
18 leave Wal-Mart, do you?

19 A. No. They understood that I
20 couldn't do it.

21 Q. Okay. So, you had to quit the
22 job?

23 A. I had to quit the job, yeah,

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1 because my leg and shoulder wouldn't let
2 me do it. They just put down on the
3 reason, medical reasons.

4 Q. And when was that?

5 A. March of 2005 after I had my
6 artery done in my leg. I never would
7 have been able to use it right, so I had
8 to quit.

9 Q. Your marriage to Ms. Brown, is
10 that the only marriage?

11 A. I've been married -- November
12 will be 32 years.

13 Q. Congratulations.

14 A. I got married, she was 17 and I
15 was 19.

16 Q. In today's age, that's something
17 to be very proud of.

18 A. Yeah.

19 Q. Have you ever had any injuries
20 to your right shoulder before?

21 A. No.

22 Q. Have you ever injured your left
23 shoulder?

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1 A. Huh-uh (negative). But he told
2 me, though, you know, the way my
3 shoulders was, you know, what I done at
4 Candlewick for all them years, it would
5 be easy to tear it up so be careful --
6 real careful with it.

7 Q. Who told you that?

8 A. The doctor. The one that done
9 the surgery on my shoulder.

10 Q. Dr. Howorth did?

11 A. Dr. Howorth.

12 Q. Howorth. Okay.

13 A. Dr. Howorth is the one they sent
14 me to.

15 Q. Now, after he did the surgery,
16 he told you what?

17 A. He told me that it would be easy
18 because the way I used my hands and
19 everything all these years packing in
20 yarn, 10, 15, 20 pounds, he said I'll
21 just -- like my hinges and my elbows and
22 shoulders was like, you know -- you know,
23 in bad shape from using them all these

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1 years. He just told me to be careful,
2 you know.

3 Q. Okay.

4 A. Before that, I hadn't had any
5 trouble.

6 Q. Before that -- before you hurt
7 it at Wal-Mart in September of 2004, did
8 you ever have any just --

9 A. No.

10 Q. -- aches and pains with your
11 shoulders?

12 A. No, not really, not more than
13 usual.

14 Q. Did you ever have any popping or
15 creaking or anything like that?

16 A. No, not until I tore that one
17 up.

18 Q. Okay. Have you ever been in the
19 military?

20 A. Huh-uh.

21 Q. Is that a no?

22 A. No.

23 Q. And I know you did have one

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1 prior bankruptcy. But that's over with;
2 correct?

3 A. Yeah. I had it back in the
4 '80s.

5 Q. And nothing in the last seven
6 years?

7 A. Huh-uh (negative).

8 Q. No. Have you ever been arrested
9 or charged with any crime?

10 A. Nothing besides a DUI.

11 Q. Have you ever been a plaintiff
12 in another lawsuit?

13 A. No.

14 Q. This is the -- have you ever
15 been a defendant --

16 A. This is the first time I ever --

17 Q. Have you ever been a defendant
18 in a lawsuit?

19 A. No, sir.

20 Q. Another thing is we're talking,
21 and it's very conversational, but because
22 she's writing everything down, we need to
23 try to make sure we don't talk over each

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1 other.

2 A. All right.

3 Q. So, if it's okay, let me finish
4 my question.

5 A. Okay.

6 Q. And then I'll let you finish
7 your answer.

8 A. All right.

9 Q. And that way we should be okay.
10 Have you ever had any prior
11 accidents such as motor vehicle
12 accidents?

13 A. I had one back in 1994.

14 Q. All right. Did you receive any
15 injuries?

16 A. Yeah, several stitches, knocked
17 out a few teeth.

18 Q. Nothing with your shoulders --

19 A. No.

20 Q. -- or your legs or bones? Any
21 kind of a slip and fall?

22 A. No.

23 Q. Have you ever had any injuries

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1 at home where you had to receive a lot of
2 medical treatment?

3 A. I had appendicitis when I was
4 19. Other than that, I've always been in
5 pretty fair health.

6 Q. Now, you did have -- you did
7 have some problems several years ago with
8 alcohol; is that right?

9 A. Yeah, a long time ago back in
10 the '90s.

11 Q. Okay. Are you still drinking?

12 A. Huh-uh (negative).

13 Q. Okay. When was the last time
14 you drank?

15 A. The only thing I drink is n/a if
16 I drink anything, non-alcoholic beer, n/a

17 Q. You stopped drinking when?

18 A. '97.

19 Q. Do you still smoke?

20 A. Yeah, I still smoke.

21 Q. How much?

22 A. About a pack a day.

23 Q. And how many years have you been

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1 smoking?

2 A. Well, I quit a year and a half
3 before my son was born -- the last baby
4 was born, and I've been smoking ever
5 since.

6 Q. So, 29 years?

7 A. 29 years.

8 Q. And had you stopped for a period
9 of time and then smoked before that?

10 A. Yeah, I had smoked, and then I
11 quit for a year and a half.

12 Q. And then how old were you when
13 you started smoking?

14 A. Probably about 16.

15 Q. And you had stopped for a year
16 and a half before your youngest was born?

17 A. Uh-huh (affirmative).

18 Q. Are you right-handed or
19 left-handed?

20 A. I'm left-handed.

21 Q. So, you're still able to write
22 okay?

23 A. Yeah, I'm still able to write.

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1 Q. Okay. How high can you raise
2 your shoulder?

3 A. Right here?

4 Q. Yes, sir.

5 A. I can get it up right along in
6 here (indicating), and I have to push it
7 on up. You know, it just don't want to
8 go.

9 Q. Okay.

10 A. I just can't -- I can't go up
11 with it.

12 Q. Okay.

13 A. I can push it up. But, you
14 know, as far as picking it up on its own,
15 I can't. It just don't want to go up.

16 Q. And how long has it been like
17 that?

18 A. Ever since I had the surgery on
19 it.

20 Q. Did physical therapy help you at
21 all?

22 A. They was hurting me worse than
23 they was helping me. That's the reason

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1 he stopped. I done it for two and a half
2 months. And every time I'd go in there
3 and do therapy, they was popping, and it
4 was hurting it, and it was killing me.
5 And he stopped them. He told them it was
6 doing worser damage because he put screws
7 in it. And he said the screws was
8 rubbing my shoulder bone. And it was
9 hurting it worse than it was doing good
10 to it, so they stopped it.

11 Q. All right.

12 A. But I done it for two and a half
13 months.

14 Q. Now, in March of 2005, you
15 started having some problems with your
16 legs?

17 A. Yeah.

18 Q. Okay. And tell me how that
19 started.

20 A. Well, when I had the -- after I
21 had my surgery, the nurse recommended me
22 go to my regular doctor because my blood
23 pressure was shooting sky high. And he

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1 said me being in pain for 63 days -- now,
2 I'm on medication. From now on -- he
3 said you won't never be able to get off
4 it. I'm on blood pressure medicine,
5 cholesterol medicine, Plavix for my
6 heart, and I have to take a nerve pill at
7 night to sleep because I can't sleep.
8 Either my leg's hurting me or my shoulder
9 is hurting me every night just about it.

10 Q. Okay. But you --

11 A. But I wouldn't on any medication
12 until I tore my shoulder up.

13 Q. But you went to -- do you
14 think -- did your -- do you think your
15 shoulder caused the leg problems?

16 A. Yeah. Yeah. They told me that
17 because my blood pressure and cholesterol
18 and everything went up so high, that
19 that's the reason I had trouble out of
20 my -- he said if you don't get surgery on
21 your legs, you're going to lose a leg.

22 Q. What doctor told you that the
23 leg problem was related to the shoulder?

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1 A. Well, Dr. Bill Caypless said my
2 blood pressure was -- caused my arteries
3 to do the way they was doing because it
4 shot up and wouldn't come back down.

5 Q. Okay. And what doctor told you
6 that your blood pressure was related to
7 your shoulder?

8 A. Well, he just said being in pain
9 for so long caused it to go up, and he
10 never could get it regulated.

11 Q. When did you start taking blood
12 pressure medication?

13 A. I went to him in February. He
14 recommended me to another doctor in
15 Opelika to do a heart catheter. Well,
16 when he was doing the heart catheter,
17 they found out I had 85 percent blockage
18 in my heart. So, they put a stint in it
19 and sent me back home. Scheduled me back
20 for ten days later. I went back, and
21 Dr. Lazenby cut me from here to there and
22 put an artificial artery in this whole
23 left leg and hit a nerve in this knee

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1 (indicating). And I have no feelings
2 from the knee down on this leg.

3 Q. Okay. And when you say "from
4 here to here," they cut you from the hip
5 bone?

6 A. They cut me all the way across
7 here. Right here all the way up and
8 replaced this whole artery (indicating).

9 Q. Okay. All right. Right there
10 where your --

11 A. They cut me right across there
12 (indicating).

13 Q. Okay. Let the record reflect
14 that it's on the left leg.

15 A. Yeah, from my groin down at the
16 top of my knee all the way up to here
17 (indicating).

18 Q. Okay. And they took a vein or
19 an artery out of your leg?

20 A. Yeah, replaced with an
21 artificial artery. It's an artificial
22 bypass is what it was called.

23 Q. Okay. And before you did that,

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1 you had a stint put in your heart; right?

2 A. Yeah. They found out I had to
3 have a stint.

4 Q. Because you had 85 percent
5 blockage?

6 A. Yeah. Dr. Rhodes went in there
7 and done the heart catheter, and he found
8 that. And he went ahead and fixed that,
9 and they sent me home. Ten days later,
10 he sent me back to do my leg.

11 Q. Okay.

12 A. And I just ain't got no
13 circulation. He said they may -- I may
14 just be having deteriorating arteries in
15 my leg. They're not sure.

16 Q. Okay. But the artery condition
17 wasn't caused by the shoulder?

18 A. No. But he just said my blood
19 pressure was causing that.

20 Q. Okay. And the stint in your
21 heart was not caused -- the blockage
22 wasn't caused by the shoulder?

23 A. No. But they just -- when they

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1 went in there, they just found out all --
2 I had all the different problems because
3 they couldn't find any circulation in my
4 legs. The first thing, he couldn't find
5 any circulation.

6 Q. Okay. And you understood that
7 that was because you had blockage in an
8 artery --

9 A. Yeah.

10 Q. -- going down into your leg, and
11 you weren't getting blood supply down
12 there?

13 A. I didn't even know I needed the
14 stint until I went in -- until he went
15 in.

16 Q. And that was your primary doctor
17 down at Woodland Clinic; is that right?

18 A. Dr. Bill Caypless sent me to
19 Dr. Lazenby in Opelika.

20 Q. Okay.

21 A. And him and Dr. Rhodes --
22 Dr. Rhodes done the stint, and
23 Dr. Lazenby done the artery.

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1 Q. Okay. And Dr. Rhodes was at
2 Auburn Cardiology?

3 A. Uh-huh. He's the heart doctor.

4 Q. Okay. And you had that surgery
5 done in Opelika?

6 A. Yeah, both of them.

7 Q. All right. And Dr. Lazenby --

8 A. Lazenby.

9 Q. Lazenby.

10 (A short discussion was had.)

11 THE WITNESS: He said when he
12 went in my shoulder, you know, it had
13 been so long, 63 days, it was so full of
14 bursitis and everything, there wasn't
15 nothing he could do but put pins in it.
16 He couldn't laser it back. It was too
17 late.

18 Q. (By Mr. Brown) Who said that?

19 A. Dr. Howorth, the one that
20 workman's comp sent me to.

21 Q. Okay. We'll talk about
22 Dr. Howorth in a minute. I'm trying to
23 keep --

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1 A. Yeah.

2 Q. I try to keep them all straight.
3 I still want to talk about Woodland Rural
4 Health Clinic. That's your primary
5 physician?

6 A. That's the one I go to, yeah.

7 Q. All right. And that's when --
8 you first went down there having problems
9 with your legs in about February of 2005;
10 right?

11 A. Yeah. That's when he sent me to
12 them, yeah.

13 Q. And he is the one who referred
14 you to Dr. Lazenby?

15 A. Uh-huh (affirmative).

16 Q. All right. And that's also
17 Dr. Caypless?

18 A. Dr. Bill Caypless.

19 Q. Okay. Bill Caypless,
20 C-a-y-p-l-e-s-s. And then you had that
21 surgery on your left leg about a year
22 ago, March of '05?

23 A. Yeah. Had one of them done on

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1 the 4th, and I think the other one was
2 done on the 14th. He sent me home for
3 ten days after he done the stint. He
4 told me to rest for ten days and come
5 back and they'd do my leg.

6 Q. So, they did the stint first and
7 then did --

8 A. Then the leg.

9 Q. Now, you've had problems with --
10 documented problems with some blood
11 pressure since like '99 or 2000, back to
12 there; is that right?

13 A. No. I wasn't taking any kind of
14 medicine until I hurt my shoulder. I
15 wasn't on no kind of medication. But
16 when I got there to do the surgery, it
17 was running 150 over 100, and they was
18 worried about me having a stroke or a
19 heart attack.

20 Q. Okay. Do you remember having a
21 stress test back in 2002?

22 A. Yeah, sure did. They thought I
23 had a blockage in my heart then, but come

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1 to find out, it was just closed up. And
2 they ballooned them out and opened them
3 back up.

4 Q. Okay. So, you had like an
5 angioplasty then?

6 A. Yeah, uh-huh. In 2002, I think.

7 Q. Who did that?

8 A. Dr. Lazenby.

9 Q. Same one who did --

10 A. Uh-huh (affirmative).

11 Q. -- the surgery on your leg?

12 A. Uh-huh (affirmative).

13 Q. Is that yes?

14 A. Yes.

15 Q. Okay. And then after you've had
16 both of the surgeries, your heart and
17 your leg, you have not been able to go
18 back to work?

19 A. No.

20 Q. And that's because you can't
21 stand up or walk for a period of time?

22 A. I can't stand up and walk, and I
23 couldn't use my shoulder. So, there was